

**IN THE UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF TEXAS**  
**HOUSTON DIVISION**

**JOE ANTHONY ALANIZ,**

***Plaintiff,***

**vs.**

**HARRIS COUNTY, TEXAS, SHERIFF**

**ED GONZALEZ, DEPUTY VANESSA**

**ESQUEDA, SGT. ANA ORTIZ, DEPUTY**

**MARK CANNON,**

***Defendants.***

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**CAUSE NO.: 4:22-cv-1991**

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**JURY DEMANDED**

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**PLAINTIFFS' MOTION IN LIMINE**

Plaintiff and pursuant to the Rules and scheduling orders files this amended motion in limine and sets forth as follows:

Plaintiff respectfully files this Motion in Limine and requests submission and rulings before voir dire examination begins in the trial of this case. Plaintiffs respectfully request, of this Court, the opportunity to present oral arguments on these matters herein if necessary. Plaintiff requests the Court to ORDER before the voir dire examination of the jury panel, instructing all opposing counsel, and any and all witnesses called to testify at the trial for this cause, to refrain from any mention or interrogation, directly or indirectly, in any manner whatsoever, including the offering of documentary evidence, concerning any of the matters set forth herein. In this connection, Plaintiff requests the Court to ORDER, if any opposing counsel wishes to propose a theory of admissibility concerning these matters, that opposing counsel first must request a ruling from the Court outside the presence and hearing of all prospective jurors and jurors ultimately selected in this Cause. Furthermore, Plaintiff avers that the matters herein set out by this motion would be inadmissible in evidence for any

purpose on the proper and timely objection in that they have no bearing on the issues in this case or the rights of the parties to this suit and that permitting interrogation of witnesses, comments to jurors, or prospective jurors, or offers of evidence concerning any of the matters set forth would prejudice the jury, and sustaining objections to such questions, statements or evidence introduced by counsel or witnesses may fail to prevent prejudice, but instead reinforce the development of questionable evidence. Plaintiff seeks a ruling on the following matters:

1. Any reference to or mention of any information in any document that has not yet been admitted into evidence or any statements contained in any such document.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Asking any questions of Plaintiff's witnesses that would require Plaintiff's attorneys or the witness to invoke the attorney/client privilege in front of the jury. In addition, Plaintiff requests the Court to order opposing counsel to first approach the bench if there is a probability that the question to the witness would require the attorney or the witness to invoke the attorney/client privilege, so that such questioning may be ruled upon without the jury being improperly prejudiced and biased against a particular party for the attorneys' conduct in objecting to said line of questioning on the basis of the attorney/client privilege.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Any reference to or suggestion that Plaintiff has failed to call any witness equally available, through prior depositions or otherwise, to any party in this action.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Any reference to or suggestion that there will probably be testimony of certain facts by witnesses who are not later called to testify at trial.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Any reference to, defendant, Cannon's current financial condition or net worth.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Any document not previously produced in discovery or identified in the parties' Joint Pretrial Order, including Exhibits. See, Tex. R. Civ. P. 194.1.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Any testimony or argument that contradicts Defendant admissions.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Statements of any persons not called upon to testify in open court.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Expert opinions from experts or laypersons not designated.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

The Plaintiffs respectfully request an order excluding any evidence proffered by the Defendants at trial which contradicts the Defendants' prior, sworn deposition testimony or responses to the Plaintiffs' Interrogatories.

AGREED: \_\_\_\_\_ GRANTED: \_\_\_\_\_ DENIED: \_\_\_\_\_

Any alleged crime committed by Plaintiff as such information is inherently more prejudicial than probative and is irrelevant to the issues in this case. Said evidence bears no probative value under Rule 403 of the Federal Rules of Evidence and its probative value, if any, is substantially outweighed by a danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, and wasting of valuable court time.

Granted \_\_\_\_\_ Denied \_\_\_\_\_

Any alleged physical injuries acquired from any third party as such information is speculative,

the defendant has no evidence to support the claims, in addition, inherently more prejudicial than probative and is irrelevant to the issues in this case. Said evidence bears no probative value under Rule 403 of the Federal Rules of Evidence and its probative value, if any, is substantially outweighed by a danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, and wasting of valuable court time.

Granted \_\_\_\_\_

Denied \_\_\_\_\_

Any alleged facts and testimony by the Defendant's experts not supported by evidence, based on hearsay, or pure speculation since such information is speculative, the defendant has no evidence to support the claims, in addition, inherently more prejudicial than probative and is irrelevant to the issues in this case. Said evidence bears no probative value under Rule 403 of the Federal Rules of Evidence and its probative value, if any, is substantially outweighed by a danger of unfair prejudice, confusion of the issues, misleading the jury, undue delay, and wasting of valuable court time.

Granted \_\_\_\_\_

Denied \_\_\_\_\_

WHEREFORE, PREMISES CONSIDERED, Plaintiffs prays that this Motion is in all particulars granted and sustained by an appropriate Order of the Court, and the Plaintiffs request that the Court instruct Defendants' counsel and Defendants, not to mention, refer to, interrogate concerning, or attempt to convey to the jury in any manner any of the above-mentioned facts, without first obtaining the permission of the Court outside the presence of the jury, and to further instruct and caution each and every one of Defendants fact and expert witnesses to strictly follow these instructions and for all other relief in law and

equity to which plaintiff shows themselves entitled.

Respectfully submitted,

By: /s/ U. A. Lewis

U. A. Lewis

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been forwarded to all parties of record by electronic mail on this, February 4, 2025.

/s/ U.A. Lewis

U.A. Lewis